

United States District Court

for the

Eastern District of Pennsylvania**October 24, 2013**U.S.A. vs. James SwanCase No. 2:11CR580-1**VIOLATION OF SUPERVISED RELEASE**

COMES NOW John M. Lackey U. S. PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of James Swan who was placed on supervised release by the Honorable Timothy R. Rice sitting in the Court at Philadelphia PA, on the 17th day of December, 2012 who fixed the period of supervision at one year, and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

ORIGINAL OFFENSE: Attempted possession of oxycodone (Counts One & Three); and attempted possession of fentanyl (Count Two).

ORIGINAL SENTENCE: Custody of the U.S. Bureau of Prisons for a term of time served, to be followed by a one year term of supervised release and a \$75.00 special assessment.

SPECIAL CONDITIONS: (1) The defendant is to refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall participate in drug treatment, including residing at a Recovery House, and abide by the rules of any such program until satisfactorily discharged; (2) The defendant must undergo a mental health evaluation and participate in any mental health treatment program as directed by the probation officer; and (3) The defendant shall perform 200 hours of community service at the Philadelphia Veterans' Comfort House, or as directed by the probation officer.

DATE SUPERVISION
COMMENCED:

December 17, 2012

The above probation officer has reason to believe that the supervised releasee has violated the terms and conditions of his supervision under such circumstances as may warrant revocation. These conditions are:

- A. Standard Condition #7: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

On February 20, 2013 and June 5, 2013, Mr. Swan submitted urine samples which tested positive for the presence of opiates (morphine).

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On June 12, 2013, a meeting was held with the offender at the Last Stop recovery house. At that time, he admitted to engaging in the intravenous use of heroin for the preceding week period of time.

During a telephone discussion with the offender on September 16, 2013, he admitted to this officer of engaging in the use of heroin on September 14, 2013.

On September 18, 2013, Mr. Swan reported to the U.S. Probation Office and submitted a urine sample; that test result was positive for the presence of opiates (morphine, oxycodone, and oxymorphone).

During a telephone discussion with the offender on September 22, 2013, he admitted to this officer of engaging in daily use of heroin from September 12, 2013 through September 20, 2013. During a similar discussion with the offender on October 23, 2013, he admitted to using heroin intravenously on a daily basis from October 18, 2013 through October 22, 2013.

GRADE OF VIOLATION

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- B. Special Condition # 1: The defendant is to refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall participate in drug treatment, including residing at a Recovery House, and abide by the rules of any such program until satisfactorily discharged.

Pursuant to this condition, the offender was required to participate in our office's Random Urine Testing Program (RUT). On the following dates, Mr. Swan failed to report for RUT testing: February 4, 2013, February 28, 2013, March 7, 2013, March 19, 2013, April 8, 2013, June 7, 2013, October 4, 2013, and October 22, 2013.

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- C. General Condition: The defendant shall pay a special assessment of \$75.00.

The entire balance of the special assessment remains outstanding as of this writing.

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PRAYING THAT THE COURT WILL ORDER...

**THE ISSUANCE OF A
WARRANT DIRECTING THAT
THE NAMED SUPERVISED
RELEASEE BE ARRESTED
AND BROUGHT BEFORE THE
COURT FOR A REVOCATION
HEARING.**

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully,



for Dean DiPasquale
Supervising U.S. Probation Officer

Place Philadelphia, PA

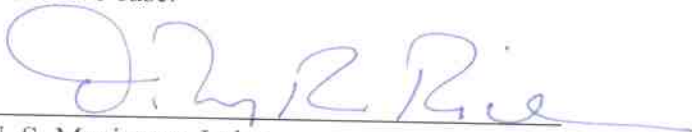
Date October 24, 2013

JL

cc: Assistant U.S. Attorney
Defense Attorney
U.S. Marshal's - Warrant Squad

ORDER OF THE COURT

Considered and ordered this 24
day of Oct, 20 13 and ordered
filed and made part of the records in
the above case.



U. S. Magistrate Judge

Re: Warrant issued

2cc: Probation